

REMARKS

Claims 1-34 remain pending in this application. Claims 1-12 stand allowed, claims 1-15, 19-27, and 29-34 stand rejected, and claims 16-18 and 28 stand objected to.

Applicants express their appreciation for the allowance of claims 1-12 and the indication of allowable subject matter in claims 16-18 and 28. Further, because claims 16, 18 and 28 have now been rewritten in independent form to include all of the limitations of their base claim and any intervening claims, they should also be allowable at this time. In addition, because claim 17 depends from claim 16, it should also be allowable.

The rejections set forth in the Office Action are now addressed in order below.

Claims 13-15, 21-27, and 29-34 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tucker (U.S. Patent No. 5,261,719). In addition, claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tucker in view of Schmeichel, et al. (U.S. Patent No. 5,076,338). Applicants respectfully traverse.

Tucker teaches an apparatus for attaching a cover for an open-topped vehicle enclosure. The apparatus includes a plurality of female snap members 12 that are attached along the periphery of a cover 12, which are received by male snap members 16 of rail system 13. *See* Tucker at Col. 4, lines 36-39. Rail system 13 comprises rail members 17 that are mounted along the top edge of a truck side wall as shown in Fig. 3. The Office Action equates the male snap members 16 of the Tucker patent to the claimed elongated slats of the rejected claims. *See* Office Action at p. 2. The teachings in the Tucker patent regarding male snap members 16 make it clear, however, that the Tucker patent neither anticipates nor renders obvious the claims of the instant application. In relevant part, the Tucker patent teaches:

Male snap member 16 includes male snap element 32, which is affixed to clip 33. Clip 33 is advantageously configured to be "snapped" onto clip surface 34, which extends along the entire length of each rail member 17. Clip 33 is further configured to tightly grip clip surface 34, once snapped into a desired position, but may be "snapped" off of clip surface 34, if so desired. Male snap members may thus be repositioned along the length of rail members 17 in order to accommodate covers 11 which have differently arranged female snap members 12. Additionally, changes in the configuration of a particular cover 11, due to stretching, or shrinkage or the like may also be accommodated.

Tucker at Col. 5, lines 54-66.

Thus, the male snap members 16 cannot slide along the rail 17 in the apparatus taught in the Tucker patent. The snap members 16 are also not slideably mounted within a channel, but rather are "snapped" onto clip surface 34 at desired locations. Further, to move the snap members, they must be "snapped" off of the clip surface.

In view of the foregoing, the Tucker patent fails to teach or suggest independent claims 13, 31 or 32.

Tucker fails to teach or suggest claim 13 because it fails to teach or suggest a cover system comprising a side rail that defines a channel therein and further includes one or more elongated slats mounted within the channel to allow sliding movement. Further, because the Tucker patent does not teach one or more elongated slats mounted within a channel to allow sliding movement, it clearly cannot teach or suggest at least one stop attached to the rail limiting the range the slat can slide longitudinally.

The Tucker patent fails to teach or suggest the rail assembly claimed in independent claim 31 because it fails to teach or suggest a side rail having a longitudinal channel defined therein and further including an elongated slat slideably contained within the channel.

Finally, Tucker fails to teach or suggest the rail assembly of independent claim 32 because it fails to teach or suggest a side rail having a longitudinal channel defined therein and further including an elongated slat mounted within the channel to allow longitudinal sliding movement. Further, because the Tucker patent does not teach an elongated slat mounted within a channel to allow longitudinal sliding movement, it clearly cannot teach or suggest at least one stop attached to the rail limiting the range the slat can slide longitudinally.

Because independent claims 13, 31, and 32 are allowable over Tucker or Tucker in combination with Schmeichel, et al., dependent claims 14, 15, 21-27, 29, 30, 33 and 34 are also patentable over the patents of record.

CONCLUSION

In view of the foregoing, reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,

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Dated: June 17, 2005

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